Decision

Matter of:

Nautical Enterprises, Inc.

File:

B-223289.5

Date:

October 30, 1986

DIGEST

Where opposing parties within a firm bring into question
whether the firm's protest to General Accounting Office
(GAO) has been withdrawn, and the agency considers that the
firm's proposal submitted in the protested procurement has
been withdrawn, GAO dismisses the protest as the protester is
not considered an interested party.
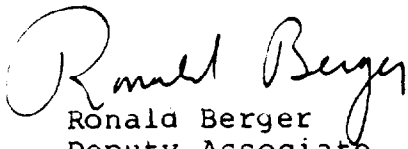
DECISION

Nautical Enterprises, Inc. (Nautical) protests the proposed
award of a contract to Petchem, Inc. (Petchem) under request
for proposals (RFP) No. N68836-86-R-0065, a small business
set-aside issued by the Department of the Navy, Naval Supply
Center, Jacksonville, Florida, for tug and towing services.

The filing of this protest and the status of Nautical's
proposal is the subject of a dispute between opposing parties
within Nautical, each claiming the authority to represent the
protester. The protest has been filed and withdrawn twice by
the opposing parties. In the latest request to reinstate the
protest from one of the parties, our Office was informed that
litigation would be necessary to settle the dispute.
Additionally, the Navy has informed our Office that the
contracting officer has accepted the withdrawal of the
Nautical proposal from the procurement.

Under these circumstances, it is not clear that Nautical
is an interested party, as required by 4 C.F.R. § 21.1(a)
(1986), entitled to file a protest. In this respect, we note
that the record contains no conclusive evidence as to which of
the opposing parties is authorized to represent Nautical.
Moreover, the possibility of litigation concerning this
conflict suggests that the dispute may not be timely resolved

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with respect to this particular procurement. Since we cannot establish that Nautical is an interested party with standing to protest under our Bid Protest Regulations, we will not consider the protest.

Ronald Berger
Deputy Associate
    General Counsel